

**IN RE: SUPREME COURT (FIRST DIVISION) NOTICE OF JUDGMENT
DATED DECEMBER 14, 2011 IN G.R. NO. 188376, VS. ATTY. CONCHITA
C. MIÑAS, RESPONDENT.**

A.C. No. 12536 [Formerly CBD 12-3298]. November 17, 2020

Ponente: INTING, J.

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INTING, J.:

The instant administrative case arose in connection with the Court's Decision[1] dated December 14, 2011 in the case of "Land Bank of the Phils. v. Suntay" which directed the Integrated Bar of the Philippines (IBP) to investigate the actuations of Atty. Conchita C. Miñas (Atty. Miñas) in Department of Agrarian Reform Adjudication Board (DARAB) Case No V-0405-0001-00, and to determine any possible administrative liabilities on her part as a member of the Philippine Bar.[2]

The Antecedents[*]

In 1972, the Department of Agrarian Reform (DAR) expropriated 948.1911 hectares of Federico Suntay's (Suntay) land situated in Sta. Lucia, Sablayan, Occidental Mindoro pursuant to Presidential Decree No. (PD) 27.[3] Land Bank of the Philippines (Land Bank) and the DAR fixed the value of the expropriated property at P4,497.50 per hectare, or a total valuation of P4,251,141.68. Suntay, however, rejected the DAR valuation and filed a petition for determination of just compensation with the Office of the Regional Agrarian Reform Adjudicator (RARAD) of Region IV, DARAB, docketed as DARAB Cast No. V-0405-0001-00. The petition was assigned to Atty. Miñas.[4]

On January 24, 2001,[5] Atty. Miñas rendered a Decision[6] in DARAB Case No. V-0405-0001-00 fixing the just compensation for the expropriated property at P166,150.00 per hectare or P157,541,951.30 in total. Land Bank moved for reconsideration, but Atty. Miñas denied the motion on March 14, 2001.[7]

This prompted Land Bank to file a petition for judicial determination of just compensation before Branch 46, Regional Trial Court (RTC), San Jose, Occidental Mindoro as a Special Agrarian Court impleading Suntay and Atty. Miñas. In its petition, docketed as Agrarian Case No. R-1241, Land Bank essentially prayed that the total just compensation for the expropriated property be fixed on the basis of the DAR's original valuation thereof at P4,251,141.67.[8]

Despite the pendency of Agrarian Case No. R-1241, Atty. Miñas issued an Order of Finality dated May 22, 2001 declaring the Decision dated January 24, 2001 final and executory. Subsequently, an Order[9] dated May 23, 2001 was issued granting Suntay's ex-parte motion for immediate execution of said Decision.

Land Bank contested the Order of Finality dated May 22, 2001 through a motion for reconsideration, but Atty. Miñas denied the motion on July 10, 2001. Thereafter, Atty. Miñas issued a Writ of Execution dated July 18, 2001 directing the Regional Sheriff of DARAB Region IV to implement the Decision dated January 24, 2001.[10]

Proceedings in DSCA No. 0252

On September 12, 2001, Land Bank filed a petition for certiorari with prayer for the issuance of a temporary restraining order (TRO) or preliminary injunction with the DARAB, docketed as DSCA No. 0252, assailing the following issuances of Atty. Miñas:

a)

The decision dated January 24, 2001 directing Land Bank to pay Suntay just compensation of P157,541,951.30;

b)

The order dated May 22, 2001 declaring the decision dated January 24, 2001 final and executory;

c)

The order dated July 10, 2001 denying Land Bank's motion for reconsideration; and

d)

The writ of execution dated July 18, 2001 directing the sheriff to enforce the decision dated January 24, 2001.[11]

As a result, the DARAB enjoined Atty. Miñas from proceeding with the implementation of the assailed Decision and directed the parties to attend the hearing to determine the propriety of issuing a preliminary or permanent injunction.[12]

On September 20, 2001, Josefina Lubrica, the assignee of Suntay, filed a petition for prohibition before the Court of Appeals (CA) in order to prevent the DARAB from proceeding with DSCA No. 0252. The case was docketed as CA-G.R. SP No. 66710.[13]

In its Decision[14] dated August 22, 2002, the CA granted the petition for prohibition, perpetually enjoined the DARAB from proceeding with DSCA No. 0252, and likewise dismissed it. It ruled that the DARAB had no jurisdiction to take cognizance of DSCA No. 0252 considering that its exercise of jurisdiction over a special civil action for certiorari has no constitutional or statutory basis.

The DARAB thereafter filed a petition for review on certiorari with the Court. The case was docketed as G.R. No. 159145.[15]

The Court, in its Decision[16] dated April 29, 2005, affirmed the CA Decision in toto. It ruled that the DARAB's limited jurisdiction as a quasi-judicial body does not include the authority to take cognizance of certiorari petitions in the absence of an express grant under Republic Act No. (RA) 6657 or the Comprehensive Agrarian Reform Law of 1988, Executive Order No. (EO) 229,[17] and EO 129-A.[18]

Proceedings in Agrarian Case No. R-1241

Meanwhile, in Agrarian Case No. R-1241, Suntay filed a motion to dismiss before the RTC claiming that Land Bank's petition for judicial determination of just compensation had been filed beyond the 15-day reglementary period and by virtue of such tardiness, the Decision dated January 24, 2001 had already become final and executory.[19]

In its Order dated August 6, 2001, the RTC granted the motion and dismissed Land Bank's petition for having been belatedly filed. Land Bank moved for reconsideration, but the RTC denied the motion on August 31, 2001.[20]

Consequently, Land Bank elevated the case before the CA via a petition for certiorari.[21]

In Its Decision[22] dated July 19, 2002, the CA initially granted Land Bank's petition for certiorari, nullified the assailed RTC Orders, and permanently enjoined Atty. Miñas from enforcing the Writ of Execution dated July 18, 2001. However, upon Suntay's motion, the CA reconsidered its original ruling, dismissed the special civil action for certiorari, and revoked and set aside the injunction against Atty. Miñas from implementing the Writ of Execution dated July 18, 2001.[23]

Aggrieved, Land Bank appealed before the Court on May 6, 2003.[24] The case was docketed as G.R. No. 157903.

Alias Writ of Execution dated September 14, 2005

On September 14, 2005, despite the pendency of G.R. No. 157903 with the Court, Atty. Miñas issued an Alias Writ of Execution[25] citing the Court's Decision dated April 29, 2005 in G.R. No. 159145 as basis thereof. Specifically, Atty. Miñas relied on the Court's pronouncement that the RARAD Decision dated January 24, 2001 had already attained finality due to Land Bank's belated filing of its petition for judicial determination of just compensation with the RTC.[26]

Acting pursuant thereto, the DARAB sheriffs issued and served: (a) a notice of demand to Land Bank on September 15, 2005; (b) a notice of levy to Land Bank on September 21, 2005; (c) a notice of levy on the Bank of the Philippine Islands and the Hongkong Shanghai Banking Corporation both on September 28, 2005; and (d) an order to deliver "so much of the funds" in its custody "sufficient to satisfy the final judgment" to Land Bank on October 5, 2005.[27]

The Court's Ruling in G.R. No. 157903

On October 12, 2005, the Court, upon Land Bank's urgent motion, issued a TRO[28] enjoining the RARAD from implementing the Decision dated January 24, 2001 until the case was finally decided.

On October 24, 2005, the Court directed the parties to maintain the status quo ante, viz.: [29]

x x x Acting on the petitioner's very urgent manifestation and omnibus motion dated October 21, 2005, the Court Resolves to DIRECT the parties to maintain the STATUS QUO prior to the issuance of the Alias Writ of Execution dated September 14, 2005. All actions done in compliance or in connection with the said Writ issued by Hon. Conchita C. Miñas, Regional Agrarian Reform Adjudicator (RARAD), are hereby DEEMED QUASHED, and therefore, of no force and effect.[30] (Italics in the original and supplied.)

In so doing, the Court effectively revoked all actions done in compliance with the Alias Writ of Execution dated September 14, 2005 issued by Atty. Miñas.

On October 23, 2005, Atty. Miñas reversed her ruling and quashed all acts done pursuant to the Alias Writ of Execution dated September 14, 2005 in view of the Court's Resolution dated October 24, 2005 in G.R. No. 157903.[31]

In its Decision[32] dated October 11, 2007 in G.R. No. 157903, the Court reversed and set aside the CA ruling and ordered the RTC to conduct further proceedings to determine the proper just compensation for Suntay's expropriated property. It ruled that Land Bank properly filed its Petition for determination of just compensation before the RTC in accordance with Section 57 of RA 6657. It emphasized that the RTCs, sitting as Special Agrarian Courts, had original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners.

On March 19, 2008, the Court's Decision dated October 11, 2007 became final and executory and was recorded in the Book of Entries of Judgments.[33]

Order to Resume Interrupted Execution of Alias Writ

Notwithstanding the finality of the Court's Decision in G.R. No. 157903, Suntay filed an Urgent Ex-Parte Manifestation and Motion to Resume Interrupted Execution[34] of the Decision dated January 24, 2001 in DARAB Case No. V-0405-0001-00. Suntay argued that said Decision had already become final and executory pursuant to the case of Land Bank of the Phils. v. Martinez[35] (Martinez) wherein the Court reiterated its earlier ruling in Dept. of Agrarian Reform Adjudication Board v. Lubrica[36] (Lubrica) that a petition for the fixing of just compensation with the Special Agrarian Courts must be filed within the 15-day period stated in the DARAB Rules; otherwise, the adjudicator's decision will attain finality.

On October 30, 2008, Atty. Miñas granted Suntay's motion and ordered the DARAB sheriffs to resume their implementation of the Alias Writ of Execution dated September 14, 2005,[37] viz.:

The basis of the motion, the case of Land Bank vs. Raymunda Martinez (supra) indubitably clarified that "the adjudicator's decision on land valuation attained finality after the lapse of the 15-day period citing the case of Department of Agrarian Reform Adjudication Board vs. Lubrica in G.R. No. 159145 promulgated on April 29, 2005. x x x

The ruling in the case of Land Bank of the Philippines vs. Raymunda Martinez which upheld the Decision in Lubrica having attained finality the Status Quo Order issued by the Third Division in G.R. No. 157903 is now rendered ineffective.

WHEREFORE, premises considered, the instant motion is hereby GRANTED.

x x x x[38]

This prompted Land Bank to file a special civil action for certiorari with the CA (docketed as CA-G.R. SP No. 106104), claiming that Atty. Miñas gravely abused her discretion when she rendered ex-parte, and without notice to the adverse party, the Order dated October 30, 2008 which effectively modified or altered the Court's final and executory Decision in G.R. No. 157903.[39]

In the meantime, the DAR formally charged Atty. Miñas with grave abuse of authority, ignorance of the law, conduct unbecoming of an adjudicator in a quasi-judicial body of the DAR (the DARAB), and conduct prejudicial to the best interest of the public for issuing the Order dated October 30, 2008.[40] Accordingly, the DAR preventively suspended Atty. Miñas and replaced her with RARAD Marivic C. Casabar (RARAD Casabar) of Region I.[41]

On December 15, 2008, RARAD Casabar immediately recalled the Order[42] dated October 30, 2008, viz.:

Considering the patently and indubitable illegality of the Order, subject hereof virtually a defiance of express orders of the Supreme Court in the said case and, in compliance and strict observance with the said mandatory and extant directives of the Supreme Court, it is hereby RESOLVED and DIRECTED that the said Order of October 30, 2008 in DARAB CASE No. V-0405-0001-00 should be, as hereby it is, RECALLED and WITHDRAWN and any action taken pursuant thereto or by authority thereof are DEEMED NULLIFIED and CANCELLED, having been done in violation of the declared status quo prior to the issuance of the Alias Writ of Execution (Resolution of October 24, 2005, G.R. No. 157903), not to make mention of the issued and existing restraining order. All thereof are DEEMED QUASHED and of no force and effect.[43] (Italics in the original and supplied.)

Nevertheless, the DAR later on issued a Resolution[44] dated June 15, 2010 dismissing the formal charges against

Atty. Miñas.

In view of the RARAD Order dated December 15, 2008, the CA dismissed Land Bank's petition for certiorari in CA-G.R. SP No. 106104 on the ground of mootness.[45] Dismayed, Land Bank elevated the case to the Court through a petition for review on certiorari. The case was docketed as G.R. No. 188376.

The Court's Ruling in G.R. No. 188376

In its Decision[46] dated December 14, 2011, the Court noted that Land Bank's appeal was the third time that its intervention was invoked regarding the controversy, the earlier cases being *Lubrica* docketed as G.R. No. 159145 and *Land Bank of the Phils. v. Suntay*[47] (*Suntay*) docketed as G.R. No. 157903. Given the seemingly conflicting pronouncements in *Lubrica* and *Suntay*, the Court resolved to reverse the assailed CA ruling and settle with finality the legality of the Order dated October 30, 2008 rendered by Atty. Miñas in DARAB Case No. V-0405-0001-00.[48]

The Court unequivocally declared the *Suntay* ruling as the law of the case for all subsequent proceedings in the RTC as a Special Agrarian Court in Agrarian Case No. R-1241. It stressed that the Decision dated October 11, 2007 in G.R. No. 157903, having already attained finality, can no longer be altered, modified, or reversed, not even by the Court sitting *En Banc*. Thus, the Court's ruling in *Martinez* cannot be invoked in order to bar the conclusive effects of the judicial result reached in *Suntay*. The Court further pointed out that the *Martinez* ruling was neither applicable nor binding on the parties as it concerned a different set of facts, parties, and subject matter.[49]

For these reasons, the Court quashed and nullified the Alias Writ of Execution dated September 14, 2005 and the Order dated October 30, 2008 (directing the DARAB sheriffs to resume the interrupted implementation of said writ of execution) issued by Atty. Miñas and all acts performed pursuant thereto. It explained that the Order dated October 30, 2008 was invalid for two reasons: first, the Court had previously quashed all acts done in compliance with the Alias Writ of Execution when it directed the parties to maintain the status quo ante in its Resolution dated October 24, 2005; and second, Atty. Miñas herself quashed all acts done pursuant to the Alias Writ of Execution on October 25, 2005. In other words, the Order dated October 30, 2008 was void and ineffectual for lack of both factual and legal basis—there were no longer any existing valid prior acts or proceedings to resume enforcement of.[50]

As a result, the Court granted Land Bank's petition for review on certiorari and directed the RTC to continue the proceedings for the determination of the just compensation for *Suntay*'s expropriated property in Agrarian Case No. R-1241. It also ordered the IBP to investigate the actuations of Atty. Miñas to determine any possible administrative liabilities on her part, to wit:[51]

WHEREFORE, we GRANT the petition for review on certiorari, and REVERSE the Decision promulgated June 5, 2009 in CA-G.R. SP No. 106104.

ACCORDINGLY, the Court:

x x x x

(e) COMMANDS the Integrated Bar of the Philippines to investigate the actuations of Atty. Conchita C. Miñas in DARAB Case No. V-0405-0001-00, and to determine if she was administratively liable as a member of the Philippine Bar;

x x x x[52]

Respondent's Comment

In her defense,[53] Atty. Miñas argued that she did not act beyond the scope of her authority as regional adjudicator when she issued the Order dated October 30, 2008 as she merely implemented the Court's final and executory ruling in Lubrica, as affirmed in Martinez.

Atty. Miñas further explained that she sought clarification from Chief Justice Reynato Puno as to the applicability and implementation of the Court's conflicting' rulings in Suntay and Lubrica but she received no reply. Thus, in issuing the Order dated October 30, 2008, she relied heavily on the Martinez ruling wherein the Court declared Lubrica as the better rule over Suntay.[54]

Finally, Atty. Miñas insisted that she did not issue the subject Order with bad faith dishonesty or corruption, and if she committed an error in applying the Lubrica ruling, the proper remedy would be a judicial recourse with the appellate courts and not the instant disciplinary proceeding.[55]

Report and Recommendation of the IBP

In the Report and Recommendation[56] dated May 3, 2017, IBP Investigating Commissioner Joel L. Bodegon (Investigating Commissioner) found that Atty. Miñas had violated Rule 1.01, Canon 1 and Rule 10.03, Canon 10 of the Code of Professional Responsibility (CPR), and recommended that she be suspended from the practice of law for a period of two years.

The Investigating Commissioner observed that the way Atty. Miñas handled the proceedings in DARAB Case No. V-0405-0001-00 resulted in multiple cases reaching not only the CA but also the Supreme Court. He noted that in these cases, Atty. Miñas demonstrated a singular intent to have her Decision in the DARAB case implemented to the damage of not only Land Bank but also the other parties that had to contend with its execution. In addition, the Investigating Commissioner pointed out that Atty. Miñas appeared "just too willing to risk breaching the limits of her discretion as adjudicator, thereby betraying her unusual interest in securing the immediate execution of her [D]ecision of 24 January 2001." [57]

In its Resolution No. XXIII-2017-026[58] dated August 31, 2017, the IBP Board of Governors adopted the findings of fact and recommendation of the Investigating Commissioner to impose against Atty. Miñas the penalty of suspension from the practice of law for a period of two years.

The Issue

Whether Atty. Miñas should be held administratively liable for her issuances as RARAD of Region IV-DARAB in DARAB Case No. V-0405-0001-00.

The Court's Ruling

The factual findings and recommendation of the IBP Board of Governors are well-taken.

Respondent's actuations constitute gross misconduct.

"A lawyer may be suspended or disbarred for any misconduct showing any fault or deficiency in his moral character, honesty, probity or good demeanor." [59] Misconduct is defined as "an intentional wrongdoing or a deliberate violation of a rule of law or standard of behavior, especially by a government official." [60] It is considered a grave offense in cases where the elements of corruption, clear intent to violate the law, or flagrant disregard of established rules are present. [61]

In this case, there is no question that Atty. Miñas had knowingly violated the law and disregarded established rules when she issued the Order dated October 30, 2008 in order to resume the implementation of the Alias Writ

of Execution dated September 14, 2005.

For one thing, Atty. Miñas herself had ordered all actions done in compliance with the Alias Writ of Execution to be quashed and rendered with no force and effect, in view of the Court's status quo ante order in the Resolution dated October 24, 2005.

For another, it is undisputed that Atty. Miñas issued the Order dated October 30, 2008 after the Court's Decision dated October 11, 2007 in G.R. No. 157903 attained finality. To recall, the Court in *Suntay* directed the RTC to conduct further proceedings to determine the proper just compensation of the expropriated property. Thus, when Atty. Miñas ordered the DARAB sheriffs to resume implementation of the Alias Writ of Execution, she disregarded not only the Court's final and executory ruling in *Suntay*, but also, she ended up substituting her own judgment (per her Decision dated January 24, 2001 in DARAB Case No. V-0405-0001-00) as to the amount of just compensation that should be paid by Land Bank for the expropriated property.

Under these circumstances, the Court simply cannot accept the defense of good faith of Atty. Miñas as she was well aware of the finality of the *Suntay* ruling when she issued the Order dated October 30, 2008. She had known that in issuing said Order, she effectively contradicted the Court's directive in *Suntay* for the RTC to determine the proper just compensation of the expropriated property. Even assuming arguendo that the *Suntay* ruling was erroneous, Atty. Miñas is expected to know that a final and executory judgment can no longer be modified in any respect by the court which rendered it or even by the Supreme Court.^[62]

To be clear, good faith denotes "honesty of intention and freedom from knowledge of circumstances which ought to put the holder upon inquiry" or the lack of all information, notice, benefit or belief of facts which would render one's actions unconscientious.^[63] Here, Atty. Miñas' knowledge of the finality of the *Suntay* ruling is enough to belie her defense of good faith.

Worse, as the IBP Board of Governors aptly observed, it appears that Atty. Miñas had indeed exhibited an unusual interest in securing the immediate execution of the Decision^[64] dated January 24, 2001 wherein she awarded *Suntay* the gargantuan amount of P157,541,951.30, or P166,150.00 per hectare, which is P153,290,809.62 more than the original valuation fixed by the DAR for the expropriated property. In addition, the records show that:

First, despite the pendency of Agrarian Case No. R-1241 in the RTC for judicial determination of just compensation, Atty. Miñas declared the Decision dated January 24, 2001, a judgment she herself rendered, as final and executory notwithstanding Land Bank's opposition thereto, and thereafter immediately issued the Writ of Execution dated July 18, 2001 to enforce it.

Second, Atty. Miñas issued the Alias Writ of Execution dated September 14, 2005 to enforce the Decision dated January 24, 2001 while Land Bank's appeal in G.R. No. 157903 was pending resolution before this Court. Interestingly, what is at issue of G.R. No. 157903 is whether the RTC correctly dismissed Land Bank's Petition for the determination of just compensation. Surely, Atty. Miñas should have known that the outcome of G.R. No. 157903 would inevitably affect the judgment she rendered in DARAB Case No. V-0405-0001-00.

And third, as mentioned above, Atty. Miñas issued the Order dated October 30, 2008 to implement the Alias Writ of Execution despite the clear directive of the Court in G.R. No. 157903 for the RTC to conduct further proceedings to determine the proper just compensation of the expropriated property. Significantly, the Court, in its Decision dated December 14, 2011 in G.R. No. 188376, later nullified the Order dated October 30, 2008 for lack of factual and legal bases.

On this point, the case of *Prudential Bank v. Judge Castro*^[65] (Judge Castro) is instructive. In Judge Castro, the

Court dismissed the respondent judge from the service for declaring his own summary judgment final, ordering the issuance of a writ of execution awarding astronomical sums, and foreclosing the right to appeal through clever maneuvers, which clearly indicated the judge's partiality for one of the parties to the detriment of the objective dispensation of justice.

Here, Atty. Miñas, as a regional adjudicator, was tasked with the duty of deciding conflicting claims of the parties as a part of the quasi-judicial system of our government. As such, by analogy, the instant case may be likened to administrative cases against judges.[66]

Section 1, Canon 4 of the New Code of Judicial Conduct states:

CANON 4. PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

Section 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities. (*Italics supplied.*)

As a keeper of the public faith, Atty. Miñas is burdened with a high degree of social responsibility.[67] Indubitably, her conduct in this case fell short of the integrity and good moral character required from all lawyers, especially from one occupying a public office.[68]

Respondent is guilty of gross ignorance of the law.

In *Suntay*, the Court reiterated the procedure for the determination of just compensation cases under RA 6657 as follows:

The procedure for the determination of just compensation cases under R.A. No. 6657, as summarized in *Landbank of the Philippines v. Banal*, is that initially, the Land Bank is charged with the responsibility of determining the value of lands placed under land reform and the compensation to be paid for their taking under the voluntary offer no sell or compulsory acquisition arrangement. The DAR, relying on the Land Bank's determination of the land valuation and compensation, then makes an offer through a notice sent to the landowner. If the landowner accepts the offer, the Land Bank shall pay him the purchase price of the land after he executes and delivers a deed of transfer and surrenders the certificate of title in favor of the government. In case the landowner rejects the offer or fails to reply thereto, the DAR adjudicator conducts summary administrative proceedings to determine the compensation for the land by requiring the landowner, the Land Bank and other interested parties to submit evidence as to the just compensation for the land. A party who disagrees with the Decision of the DAR adjudicator may bring the matter to the RTC designated as a Special Agrarian Court for the determination of just compensation. In determining just compensation, the RTC is required to consider several factors enumerated in Section 17 of R.A. No. 6657.[69] (*Emphasis in the original; italics supplied.*)

Atty. Miñas, as a regional adjudicator and a member of the Bar, is expected to be well-versed on legal procedures, most specially those which affect her official functions in the RARAD. This expectation is imposed upon all members of the legal profession because membership in the Bar is in the category of a mandate for public service of the highest order.[70] It is quite hard to believe that Atty. Miñas is unaware of these procedural rules; considering that she is a recipient of the Most Outstanding RARAD award for several years.[71]

In this case, Atty. Miñas perilously stretched the DARAB Rules by declaring her Decision dated January 24, 2001 final and executory despite the pendency of Agrarian Case No. R-1241 and in complete disregard of Section 57 of RA 6657 which vests original and exclusive jurisdiction over all petitions for the determination of just

compensation to Special Agrarian Courts. Verily, where her own decision was assailed either on appeal or by original court action, proper judicial temperament as adjudicator dictates upon Atty. Miñas to be more circumspect and judicious and not preempt the court on the latter's action on the petition filed with it.[72]

While it is true that a judge may not be disciplined for error of judgment absent proof that such error was made with a conscious and deliberate intent to cause an injustice,[73] it is equally true that when the law violated by the judge is elementary, the failure to know or observe it constitutes gross ignorance of the law which makes a judge subject to disciplinary action.[74]

For these reasons, the Court finds the actuations of Atty. Miñas tantamount to punishable professional incompetence and gross ignorance of the law. Simply put, Atty. Miñas should have known better than to deliberately exceed the bounds of her authority as regional adjudicator through her various issuances that were purposely aimed at the immediate enforcement of her Decision dated January 24, 2001 in DARAB Case No. V-0405-0001-00.

Atty. Miñas disregarded a final and immutable Decision of the Highest Court of the land.

It need not be stated that when a judgment is final and executory, it becomes immutable and unalterable.[75] In fact, jurisprudence elucidates that not even the Supreme Court can annul or modify an already final decision.[76] Reasons of public policy, judicial orderliness, economy, judicial time and the interests of litigants, as well as the peace and order of society, all require that stability be accorded the solemn and final judgments of the courts or tribunals of competent jurisdiction.[77] Undoubtedly, such reasons apply with greater force on final judgments of the highest Court of the land.[78]

In this case, it is undisputed that the Court's Decision dated October 11, 2007 G.R. No. 157903 became final and executory on March 19, 2008. Thus, when Atty. Miñas issued the Order dated October 30, 2008 to enforce her Decision dated January 24, 2001 in DARAB Case No. V-0405-0001-00, she effectively varied, altered, changed, or otherwise disregarded the Court's ruling in G.R. No. 157903 which left the determination of the just compensation of Suntay's expropriated property to the RTC.

This the Court cannot countenance. All lawyers are expected to recognize the authority of the Supreme Court and to obey its lawful processes and orders, and if Atty. Miñas has not taken this to heart, then she is unfit to engage in the practice of law.[79]

As to the proper penalty.

It is settled that "a lawyer who holds a government office may be disciplined as a member of the Bar only when his misconduct also constitutes a violation of his oath as a lawyer." [80] Here, the Court finds the actuations of Atty. Miñas to be in clear violation of Rule 1.01 and Canon 1 of the CPR which state:

CANON 1 - A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Further, the Lawyer's Oath imposes upon all members of the Bar the duty "[to] support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein x x x."

The Court also considers Atty. Miñas' issuance of the Order dated October 30, 2008 tantamount to willful

disobedience of the Decision dated October 11, 2007 in G.R. No. 157903.

Under Section 27, Rule 138 of the Rules of Court, an erring lawyer may either be disbarred or suspended based on the following grounds, viz.:

SEC. 27. Disbarment or suspension of attorneys removed or by Supreme Court; grounds therefor. - A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (*Italics in the original and supplied.*)

In this case, the Court may unquestionably impose against Atty. Miñas the penalty of disbarment from the practice of law for her actions which constitute gross misconduct and gross ignorance of the law in breach of the CPR and the Lawyer's Oath, as well as willful disobedience of a lawful order of the Supreme Court. Nevertheless, considering that this is the first offense for Atty. Miñas, the Court deems the penalty of suspension from the practice of law for a period of two years as sufficient sanction against her to protect the public and the legal profession.[81]

Time and again, the Court has stressed that the supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court. While the Court will not hesitate to remove an erring lawyer where the evidence calls for it, it will also not disbar him where a lesser penalty will suffice to accomplish the desired end.[82]

WHEREFORE, the Court finds respondent Atty. Conchita C. Miñas GUILTY of gross misconduct and gross ignorance of the law in violation of Rule 01 and Canon 1 of the Code of Professional Responsibility and the Lawyer's Oath, and willful disobedience of a lawful order of the Supreme Court.

Accordingly, respondent Atty. Conchita C. Miñas is hereby SUSPENDED from the practice of law for a period of two (2) years effective upon service on respondent Atty. Conchita C. Miñas of this Decision, with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

Let copies of this Decision be furnished the Office of the Bar Confidant to be appended to the personal record of respondent Atty. Conchita C. Miñas, the Integrated Bar of the Philippines and the Department of Agrarian Reform for their information and guidance.

SO ORDERED.

Peralta, C. J., Perlas-Bernabe, Leonen, Caguioa, Gesmundo, Hernando, Zalameda, Lopez, Delos Santos, Gaerlan, and Rosario, JJ., concur.

Carandang, and Lazaro-Javier, JJ., on official leave.

[1] 678 Phil. 879 (2011); penned by Associate Justice Lucas P. Bersamin with Chief Justice Renato C. Corona, and Associate Justices Teresita J. Leonardo-De Castro, Mariano C. Del Castillo and Martin S. Villarama, Jr., concurring.

[2] *Id.* at 929.

[*] The facts are essentially nulled from the Court's Decision in *Land Bank of the Phils. v. Suntay*, *supra* note 1.

- [3] Entitled, "Decreeing the Emancipation of Tenants from the Bondage of the Soil, Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanism therefor," approved on October 21, 1972.
- [4] Land Bank of the Phils. v. Suntay, supra note 1 at 883-884.
- [5] Erroneously dated as January 24, 2000, rollo, Vol. I, p. 186.
- [6] Id. at 174-186.
- [7] Land Bank of the Phils. v. Suntay, supra note 1 at 884.
- [8] Id.
- [9] Rollo, Vol. I, p. 189.
- [10] Land Bank of the Phils. v. Suntay, supra note 1 at 884-885.
- [11] Id. at 885.
- [12] Id.
- [13] Id.
- [14] Rollo, Vol. I, pp. 202-206; penned by Associate Justice Hilarion I. Aquino with Associate Justices Edgardo P. Cruz and Regalado E. Maambong, concurring.
- [15] Land Bank of the Phils. v. Suntay, supra note 1 at 886.
- [16] Dept. of Agrarian Reform Adjudication Board v. Lubrica, 497 Phil. 313 (2005); penned by Associate Justice Dante O. Tinga with Chief Justice Reynato S. Puno (then an Associate Justice) and Associate Justices Maria Alicia Austria-Martinez, and Minita V. Chico-Nazario concurring.
- [17] Entitled, "Providing the Mechanisms for the Implementation of the Comprehensive Agrarian Reform Program," approved on July 22, 1987.
- [18] Entitled, "Modifying Executive Order No. 129 Reorganizing and Strengthening the Department of Agrarian Reform and For Other Purposes," approved on July 26, 1987.
- [19] Land Bank of the Phils. v. Suntay, supra note 1 at 887.
- [20] Id.
- [21] Id.
- [22] Rollo, Vol. I, pp. 223-232; penned by Associate Justice Martin S. Villarama, Jr. with Associate Justices Conchita Carpio Morales and Mariano C. Del Castillo, concurring.
- [23] See Amended Decision dated February 5, 2003 of the Court of Appeals (CA) in CA-G.R. SP No. 70015 as penned by Associate Justice Martin S. Villarama, Jr. with Associate Justices Conrado M. Vasquez, Jr. and Mariano Del Castillo, concurring; id. at 233-239.
- [24] Land Bank of the Phils. v. Suntay, supra note 1 at 888.
- [25] Rollo, Vol. I, pp. 243-245.
- [26] Id. at 244-245.

[27] Land Bank of the Phils. v. Suntay, supra note 1 at 893.

[28] Rollo, Vol. II, pp. 827-830.

[29] Rollo, Vol. I, pp. 537-538.

[30] Id. at 537.

[31] Land Bank of the Phils. v. Suntay, supra note 1 at 895.

[32] Land Bank of the Phils. v. Suntay, 561 Phil. 711 (2007); penned by Associate Justice Angelina Sandoval-Gutierrez with Chief Justice Reynato S. Puno and Associate Justices Renato C. Corona, Adolfo S. Azcuna and Cancio C. Garcia, concurring.

[33] See Entry of Judgment dated March 19, 2008 and signed by Deputy Clerk of Court Ma. Lourdes C. Perfecto, Second Division, rollo, Vol. I, p. 261.

[34] Rollo, Vol. II, pp. 774-777.

[35] 582 Phil. 739 (2008).

[36] Dept. of Agrarian Reform, Adjudication Board v. Lubrica, supra note 16.

[37] See Order dated October 30, 2008, rollo, Vol. I, pp. 283-285.

[38] Id. at 284.

[39] Land Bank of the Phils. v. Suntay, supra note 1 at 897-898.

[40] See Formal Charge signed by Department of Agrarian Reform (DAR) Secretary Nasser C. Pangandaman, rollo, Vol. I, pp. 326-327.

[41] See DAR Special Order No. 856, Series of 2008 dated December 12, 2008, id. at 297.

[42] Id. at 298-302.

[43] Id. at 300.

[44] Id. at 328-333; signed by DAR Secretary Nasser C. Pangandaman.

[45] See Resolution dated June 5, 2009 of the CA in CA-G.R. SP No. 106104, id. at 310-325; penned by Associate Justice Mariflor P. Punzalan Castillo with Associate Justices Rosmari D. Carandang (now a member of the Court) and Marlene Gonzales-Sison, concurring.

[46] Land Bank of the Phils. v. Suntay, supra note 1.

[47] Land Bank of the Phils. v. Suntay, supra note 32.

[48] Land Bank of the Phils. v. Suntay, supra note 1 at 928.

[49] Id. at 910-911.

[50] Id. at 916.

[51] Id.

[52] Id. at 928-929.

[53] See Position Paper for Respondent dated May 5, 2014, rollo, Vol. I, pp. 355-386.

- [54] Id. at 378-379.
- [55] Id. at 381-382.
- [56] Rollo, Vol. II, pp. 966-990.
- [57] Id. at 985.
- [58] Id. at 964-965.
- [59] Lahm III, et al. v. Labor Arbiter Mayor, Jr., 682 Phil. 1, 8 (2012), citing Spouses Donato v. Atty. Asuncion, 468 Phil. 329, 335 (2004), further citing Re Administrative Case Against Atty. Occeña, 433 Phil. 138, 154 (2002).
- [60] Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 118 (2017).
- [61] Id., citing Imperial, Jr. v. Government Service Insurance System, 674 Phil. 286, 296 (2011).
- [62] See PCI Leasing and Finance, Inc. v. Milan, et al., 631 Phil. 257 (2010).
- [63] Development Bank of the Phils. v. Commission on Audit, 827 Phil. 818, 827 (2018), citing PEZA v. COA, 690 Phil. 104, 115 (2012).
- [64] Rollo, Vol. I, pp. 174-186
- [65] See Prudential Bank v. Judge Castro, 226 Phil. 153 (1986) and 239 Phil. 508 (1987).
- [66] Tadlip v. Atty. Borres, Jr., 511 Phil. 56, 64 (2005).
- [67] Atty. Vitriolo v. Atty. Dasig, 448 Phil. 199, 209 (2003).
- [68] Id.
- [69] Land Bank of the Phils. v. Suntay, supra note 32 at 722-723.
- [70] Office of the Court Administrator v. Atty. Liangco, 678 Phil. 305, 320 (2011).
- [71] Rollo, Vol. I, p. 376.
- [72] Rollo, Vol. II, pp. 984-985.
- [73] See Tadlip v. Atty. Borres, Jr., supra note 66.
- [74] Id. at 65. Citations omitted.
- [75] Vargas, et al. v. Cajucom, 761 Phil. 43, 54 (2015), citing Abrigo, et al. v. Flores, et al., 711 Phil. 251, 253 (2013).
- [76] Nuñal v. Court of Appeals, 293 Phil. 28, 35 (1993).
- [77] Lee Bun Ting v. Judge Aligaen, 167 Phil. 164, 178 (1977).
- [78] Id.
- [79] Marcelo v. CA, 312 Phil. 418, 419 (1995).
- [80] Abella v. Barrios, Jr., 711 Phil. 363, 370 (2013), citing Olazo v. Justice Tinga (Ret.), 651 Phil. 290, 298 (2010).
- [81] See Re: Report on the Preliminary Results of the Spot Audit in the RTC, Br. 170, Malabon City, 817 Phil.

724 (2017).

[82] See *Hipolito v. Atty. Alejandro-Abbas*, A.C. No. 12485, December 10, 2019.

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